

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>1. KATHY MILLS, an individual,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 19-CV-239-RAW</b>
	)	
<b>2. MCDONALD'S OF MCALESTER d/b/a</b>	)	
<b>MCDONALD'S,</b>	)	
	)	
<b>Defendant.</b>	)	

**COMPLAINT**

**COMES NOW** the Plaintiff, Kathy Mills, by and through her attorney of record, Mark L. Edwards of The Mark Edwards Law Firm, and for her claims against McDonald's of McAlester d/b/a McDonald's, alleges and states the following:

**I. JURISDICTION**

1. This is an action for damages resulting from personal injury arising from negligence that occurred on June 8, 2019, near the City of McAlester, Pittsburg County, State of Oklahoma.
2. Jurisdiction of this Court is founded upon 28 U.S.C. Section 1332 in that Plaintiff and Defendant are citizens of different states, those being Oklahoma and Illinois respectively, with the amount in controversy in excess of \$75,000.000 exclusive of interest and cost.
3. Venue of this Court is invoked pursuant to 28 U.S.C. Section 1391(b)(2) in that the event giving rise to this claim occurred near the City of McAlester, Pittsburg County, State of Oklahoma which is located within the Eastern District of Oklahoma.

## **II. PARTIES**

4. The Plaintiff in this action is:

a. Kathy Mills – she resides in McAlester, Oklahoma.

5. The Defendant in this action is:

a. McDonald's Corporation – a business located in Chicago, Illinois.

## **III. FACTS**

6. On June 8, 2019, Mrs. Mills was a paying customer at the McDonald's located in McAlester, Oklahoma.

7. Upon being served a coffee product through the drive-thru window, the unsecured lid fell off allowing the hot coffee to spill onto Mrs. Mills' legs causing severe burns.

8. As a result, Mrs. Mills has severe injury to her legs, permanent scarring, permanent injury, and has incurred and will incur in the future medical expenses.

## **IV. Count I - Negligence**

9. Plaintiff hereby incorporates paragraphs 1 – 8 above.

10. Defendant owed a duty to Plaintiff to use reasonable care when serving its coffee products.

11. Defendant breached its duty by serving coffee at such a high temperature (beyond industry standards) as to cause severe burns to Plaintiff's skin immediately upon contact.

12. Defendant further breached its duty by failing to properly secure the lid to its coffee product.

13. Defendant further breached its duty by using a cup and lid combination that Defendant knew, or should have known, was not capable of being properly secured to prevent the lid from coming loose during normal operations.

14. As a result of Defendant's breaches, Plaintiff suffered severe burns, permanent injury, permanent scarring, disfigurement, emotional pain and suffering (past and future), physical pain and suffering (past and future), medical expenses (past and future), and was otherwise damaged.

**WHEREFORE**, on Count I, Plaintiff prays for judgment against the Defendant in an amount in excess of seventy-five thousand (\$75,000.00) dollars and any other relief to which she is entitled.

**Count II – Punitive Damages**

15. Plaintiff hereby incorporates paragraphs 1 – 14 above.

16. The actions of Defendant described above were done intentionally and/or with reckless disregard of another's rights.

17. As such, Plaintiff is entitled to punitive or exemplary damages against Defendant.

**WHEREFORE**, on Count II, Plaintiff prays for judgment against the Defendant in an amount in excess of seventy-five thousand (\$75,000.00) dollars and any other relief to which she is entitled.

Respectfully submitted,

**THE MARK EDWARDS LAW FIRM**

By: /s/ Mark L. Edwards  
Mark L. Edwards, OBA#16570  
Medwards@edwardslawok.com  
9206 S. Toledo Ave., Ste. 100  
Tulsa, OK 74137  
(918) 221-0516 – Telephone  
(918) 615-3558 – Facsimile  
*Attorney for Plaintiff*

**JURY TRIAL DEMAND RESERVED  
ATTORNEY LIEN CLAIMED**